

**To:** Johnson, Alisha[Johnson.Alisha@epa.gov]  
**From:** Abrahm Lustgarten  
**Sent:** Tue 7/2/2013 7:09:19 PM  
**Subject:** Re: Pavillion, WY

Thank you Alisha. If you ever want to have a candid conversation that addresses these questions directly, even on background or off record, I'd be happy to do that. It's very difficult to work with these sorts of responses which don't really track, logically.

Spelling courtesy of my iPhone

On Jul 2, 2013, at 11:57 AM, "Johnson, Alisha" <[Johnson.Alisha@epa.gov](mailto:Johnson.Alisha@epa.gov)> wrote:

At this stage, partnering with the State of Wyoming is the quickest and most effective way to protect public health and drinking water resources of the residents of Pavilion, Wyoming from potential water contamination. Separately, EPA is conducting a major research program on the relationship between hydraulic fracturing and drinking water in different areas of the country and will release a draft report in late 2014. The agency will look to the results of this program as the basis for its scientific conclusions and recommendations on hydraulic fracturing.

**From:** Abrahm Lustgarten [<mailto:Abrahm.Lustgarten@propublica.org>]  
**Sent:** Tuesday, July 02, 2013 12:04 PM  
**To:** Johnson, Alisha  
**Subject:** Re: Pavillion, WY

Thank you Alisha,

The one additional aspect undressed here:

Why would the agency repeatedly reverse course and back away from research without completing it, when it appeared that in each of these cases the research was pointing to clear-cut environmental problems, and likely a link to energy industry activity (if not fracking... lets take a step back from that for the moment)?

If you'd like to take these one by one, or as a whole, either is fine. But the gist of the question is whether the dots should be connected between Parker and Pavillion and Methane emissions, and to some extent Dimock, or whether each of those situations stand on their independent merits, in

which case, what are the merits?

**From:** "Johnson, Alisha" <[Johnson.Alisha@epa.gov](mailto:Johnson.Alisha@epa.gov)>  
**Date:** Tue, 2 Jul 2013 11:36:24 -0400  
**To:** Abrahm Lustgarten <[abrahm.lustgarten@propublica.org](mailto:abrahm.lustgarten@propublica.org)>  
**Subject:** RE: Pavillion, WY

Back to you on your last question shortly. Meanwhile, responses to your previous questions, on background.

**Has there been an administrative decision inside the EPA to distance the agency from research which places it at the center of the heated debate about fracking?**

No. EPA is conducting a major research program on the relationship between hydraulic fracturing and drinking water in different areas of the country and will release a draft report in late 2014. The agency will look to the results of this program as the basis for its scientific conclusions and recommendations on hydraulic fracturing.

**What is the status/how much progress on the Tri-agency effort with DOI/USGS/DOE to address fracking through science advisory panel?**

The tri-agency research plan is still under development. The draft research plan will be available for public comment after the plan has received approval from the three signatories to the MOA and other agencies interested in unconventional oil and gas production. During the public comment period, individual members of the recently convened EPA Science Advisory Board ad-hoc panel may comment on the draft research plan as individuals but not as SAB representatives.

**Regarding the national fracking study — is the 2016 final version estimated date the original planned finish date, or is that an extension?**

The timeline for releasing EPA's draft report of results on the potential impacts of hydraulic fracturing on drinking water resources has not changed. As stated previously, EPA's draft report of results will be released for public comment and peer review in late 2014. This remains the case. Because the study has been designated a Highly Influential Scientific Assessment, meaning it will be made available for public comment and receive the highest level of peer review in accordance with EPA's peer review handbook, the draft report is likely to be finalized in 2016.

**Regarding the national fracking study — can you confirm that none of the above are planned to play a primary role or be a focus of that study: Pavillion; Parker County; Dimock, PA; Garfield County, CO; Sublette County, WY?**

While EPA will consider all peer reviewed and other relevant data sources when drafting the

report of results, none of the above locations are planned to play a primary role or are a central focus of the drinking water study. The case study locations are available at:  
<http://www2.epa.gov/hfstudy/case-studies>

**Will the Pavillion situation be included in any way or inform in any way the EPA's ongoing national review of the safety of hydraulic fracturing?**

While EPA will consider all peer reviewed and other relevant data sources when drafting the report of results, none of the above locations are planned to play a primary role or are a central focus of the drinking water study. The case study locations are available at:  
<http://www2.epa.gov/hfstudy/case-studies>

**From:** Abrahm Lustgarten [<mailto:Abrahm.Lustgarten@propublica.org>]  
**Sent:** Tuesday, July 02, 2013 9:51 AM  
**To:** Johnson, Alisha  
**Subject:** Re: Pavillion, WY

Hi Alisha,

I'm working on a very final edit for publication as soon as this morning, so if I get a response in time to include it, I will.

In addition to what I sent previously, which is the kernel of what I need, I'd also like to ask you for a response to the suggestion that James Inhofe consistently pressured the EPA in both Pavillion and Parker, and in general on fracking, and if any one person may be responsible for pushing EPA in the direction it appears to be heading, it could be him.

Thank you,

Abrahm

**From:** "Johnson, Alisha" <Johnson.Alisha@epa.gov>  
**Date:** Mon, 1 Jul 2013 18:21:28 -0400  
**To:** Abrahm Lustgarten <abrahm.lustgarten@propublica.org>, "behringer.caroline@epa.govbloomgren.david@epa.gov", <"behringer.caroline@epa.govbloomgren.david"@epa.gov>  
**Subject:** Re: Pavillion, WY

Hey Abrahm,  
I will get back to you on this tomorrow

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**From:** Abrahm Lustgarten  
**Sent:** Monday, July 01, 2013 1:23:57 AM  
**To:** behringer.caroline@epa.govbloomgren.david@epa.gov ,  
**Cc:** Johnson, Alisha  
**Subject:** FW: Pavillion, WY

Hi Caroline and David,

Been a couple of days and I haven't heard a reply. Should I expect one?

In addition, I'd like to know if EPA has a comment or statement about the investigation in Parker County Texas, and news reported by AP and Energy Wire that an independent analysis of the gas in the water there clearly linked the pollution to Range Resources, and that Lisa Jackson had been lobbied by Ed Rendell to find a resolution in the case.

Thank you, My drop dead deadline is Mid-day Monday.

Abrahm Lustgarten

917-589-1262

**From:** Abrahm Lustgarten <abrahm.lustgarten@propublica.org>  
**Date:** Fri, 28 Jun 2013 10:02:42 -0400

**To:** "[behringer.caroline@epa.gov](mailto:behringer.caroline@epa.gov)" <[behringer.caroline@epa.gov](mailto:behringer.caroline@epa.gov)>,  
"[bloomgren.david@epa.gov](mailto:bloomgren.david@epa.gov)" <[bloomgren.david@epa.gov](mailto:bloomgren.david@epa.gov)>  
**Subject:** FW: Pavillion, WY

Caroline and David,

In Alisha's absence, could I ask for your help in getting a response/comment on my question immediately below? I would need a response by the end of today, at the latest, to include in my story.

The gist of the assertion I'm hearing from folks is that the EPA /the Administration are retreating on the aggressiveness previously held on drilling concerns, that in addition to the three studies referenced below (Parker County, Pavillion, Dimock), the BLM fracking rule is being revised and watered down from its original announced intentions, the diesel rule has all but disappeared in its administrative review, and the greenhouse gas estimates from 2010 showing high levels of methane from gas drilling have been revised downwards.

Here's what I originally sent Alisha:

I'm sure you're jammed with other stuff today, but I wanted to follow up on the two remaining questions from below. Also, could I ask for further, more general comment: There are now three water contamination cases where the EPA has aggressively swooped in to conduct research, found cause for concern on a scientific basis (not necessarily a connection to fracking, but cause for concern of environmental problems) and then backed out of its study without reaching any final conclusions or following through with its research. This happened in Dimock, PA — where contaminants were found but not at a level that exceeded drinking water standards, and where the methane issue was never concluded. It Happened in Parker County Texas, where the agency's own consultant on the project describes a clear-cut finding that the agency backed away from. And now there is Pavillion, WY, which is similar. (If not the fracking issue in the deep well in Pavillion, there is still the pit contamination and all the pollution in all the residents' drinking water wells.)

So in light of these cases, has there been an administrative decision inside the EPA to distance the agency from research which places it at the center of the heated debate about fracking? Why would the agency repeatedly reverse course and back away from research without completing it, when it appeared that in each of these cases the research was pointing to clear-cut environmental problems, and likely a link to energy industry activity (if not fracking... lets take a step back from that for the moment)?

In addition, could I ask you for clarification/confirmation of the following:

1. What is the status of the rule making on diesel fracking fluids?
2. What is the status/how much progress on the Tri-agency effort with DOI/USGS/DOE to address fracking through science advisory panel?
3. Regarding the national fracking study — is the 2016 final version estimated date the original planned finish date, or is that an extension?
4. Regarding the national fracking study — can you confirm that none of the above are planned to play a primary role or be a focus of that study: Pavillion; Parker County; Dimock, PA; Garfield County, CO; Sublette County, WY?

Thank you,

Abrahm Lustgarten

917-589-1262

ProPublica

**From:** Abrahm Lustgarten <[abrahm.lustgarten@propublica.org](mailto:abrahm.lustgarten@propublica.org)>

**Date:** Tue, 25 Jun 2013 13:52:33 -0400

**To:** "Johnson, Alisha" <[Johnson.Alisha@epa.gov](mailto:Johnson.Alisha@epa.gov)>

**Subject:** Re: Pavillion, WY

Hi Alisha,

I'm sure you're jammed with other stuff today, but I wanted to follow up on the two remaining questions from below. Also, could I ask for further, more general comment: There are now three water contamination cases where the EPA has aggressively swooped in to conduct research, found cause for concern on a scientific basis (not necessarily a connection to fracking, but cause for concern of environmental problems) and then backed out of its study without reaching any final conclusions or following through with its research. This happened in Dimock, PA — where contaminants were found but not at a level that exceeded drinking water standards, and where the methane issue was never concluded. It Happened in Parker County Texas, where the agency's own consultant on the project describes a clear-cut finding that the agency backed away from. And now there is Pavillion, WY, which is similar. (If not the fracking issue in the deep well in Pavillion, there is still the pit contamination and all the pollution in all the residents' drinking water wells.)

So in light of these cases, has there been an administrative decision inside the EPA to distance the

agency from research which places it at the center of the heated debate about fracking? Why would the agency repeatedly reverse course and back away from research without completing it, when it appeared that in each of these cases the research was pointing to clear-cut environmental problems, and likely a link to energy industry activity (if not fracking... lets take a step back from that for the moment)?

Thank you,

Abrahm

**From:** "Johnson, Alisha" <[Johnson.Alisha@epa.gov](mailto:Johnson.Alisha@epa.gov)>  
**Date:** Fri, 21 Jun 2013 10:09:43 -0400  
**To:** Abrahm Lustgarten <[abrahm.lustgarten@propublica.org](mailto:abrahm.lustgarten@propublica.org)>  
**Subject:** RE: Pavillion, WY

Will get back to you on 2 & 7, but here are responses to the others:

**1. Why is the EPA turning over the investigation to Wyoming officials, without completing its peer review process or reaching a final conclusion?**

We have been working with the State throughout our groundwater investigation and are pleased that the State is exercising leadership on the next phase of investigation. At this stage, partnering with the State of Wyoming is the quickest and most effective way to protect public health and drinking water resources of the residents of Pavilion, Wyoming from potential water contamination. EPA's focus going forward will be on using its resources and technical expertise to support and provide input to the State during its investigation, which will build on EPA's initial monitoring results. EPA applauds the leadership of Wyoming in assuring the safety of the water consumed by Pavillion residents.

**3/4. Is the investigation now considered formally closed, for EPA purposes?**

Does the EPA retain any authority or influence over the process now, as the state of Wyoming continues?

We will be using our resources and technical expertise to support and provide input to the State during its investigation, which will build on EPA's initial monitoring results. The data collected during EPA's preliminary study of potential groundwater contamination in

Pavillion, Wyoming will be considered by the State and the State will consult with EPA as that investigation progresses, provide draft reports for our review and comment and consider suggestions made by EPA for third-party experts.

**5. Why did the EPA initially extend the public comment and review process two times?**

EPA extended the public comment period for the draft research report to continue its public outreach activities, including meeting with key stakeholders and posting additional technical information on our website. These extensions also allowed the public additional opportunity to comment on EPA's draft report, its data and for the agency to consider new data, further stakeholder input, and public comment, as well as to review its options moving forward.

**6. Is the EPA backing away from its initial conclusions regarding the source of groundwater constituents detected in Pavillion water wells?**

After five phases of sampling, EPA's domestic water well sampling results have documented constituents of concern; however a source of those constituents has not been determined. The State, with our support, will be considering possible sources of contamination during its investigation.

While EPA stands behind its work and data, the Agency recognizes the State's commitment to further investigation and efforts to provide clean water and does not plan to finalize or seek peer review of its draft Pavillion groundwater report released in December, 2011. Nor does the Agency plan to rely upon the conclusions in the draft report.

Separately, EPA is conducting a major research program on the relationship between hydraulic fracturing and drinking water in different areas of the country and will release a draft report in late 2014. The agency will look to the results of this program as the basis for its scientific conclusions and recommendations on hydraulic fracturing.

**8. Has the EPA ensured in any way that there will be continuity between Wyoming officials' investigation and the one started by the EPA, and that Wyoming will continue to examine for the same constituent contaminants in Pavillion water that the EPA has raised initial questions and had initial findings about?**

We will be using our resources and technical expertise to support and provide input to the State during its investigation, which will build on EPA's initial monitoring results. The data collected during EPA's preliminary study of potential groundwater contamination in Pavillion, Wyoming will be considered by the State and the State will consult with EPA as that investigation progresses, provide draft reports for our review and comment and consider suggestions made by EPA for third-party experts.

**From:** Abrahm Lustgarten [<mailto:Abrahm.Lustgarten@propublica.org>]



**Sent:** Thursday, June 20, 2013 6:24 PM  
**To:** Johnson, Alisha  
**Subject:** Re: Pavillion, WY  
**Importance:** High

Here's some questions:

1. Why is the EPA turning over the investigation to Wyoming officials, without completing its peer review process or reaching a final conclusion?
2. How much money did the federal government spend on this investigation to date?
3. Is the investigation now considered formally closed, for EPA purposes?
4. Does the EPA retain any authority or influence over the process now, as the state of Wyoming continues?
5. Why did the EPA initially extend the public comment and review process two times?
6. Is the EPA backing away from its initial conclusions regarding the source of groundwater constituents detected in Pavillion water wells?
7. Will the Pavillion situation be included in any way or inform in any way the EPA's ongoing national review of the safety of hydraulic fracturing?
8. Has the EPA ensured in any way that there will be continuity between Wyoming officials' investigation and the one started by the EPA, and that Wyoming will continue to examine for the same constituent contaminants in Pavillion water that the EPA has raised initial questions and had initial findings about?

**From:** "Johnson, Alisha" <[Johnson.Alisha@epa.gov](mailto:Johnson.Alisha@epa.gov)>  
**Date:** Thu, 20 Jun 2013 18:13:50 -0400  
**To:** Abrahm Lustgarten <[abrahm.lustgarten@propublica.org](mailto:abrahm.lustgarten@propublica.org)>  
**Subject:** RE: Pavillion, WY

Hey there,

Won't be able to do an interview, but happy to get back to you on any questions you might have.

**From:** Abrahm Lustgarten [<mailto:Abrahm.Lustgarten@propublica.org>]  
**Sent:** Thursday, June 20, 2013 6:11 PM  
**To:** Johnson, Alisha  
**Subject:** Pavillion, WY

Hi Alisha,

I've sent a note to Rich Mylott asking for an interview with one of the Pavillion research team members about the decision to turn that project over to Wyoming. Would you assent to that? And would you be able to make someone in Washington available to chat with me about it for a couple of minutes — probably Bob Perciaseppe since I've seen his name mentioned in early reports about it?

Thanks,

Abraham